IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.6397 OF 2002

Uran Municipal Council & Ors. .. Petitioners

Versus

Municipal Labour Union .. Respondent

Mr.N.V.Walawalkar i/b. G.H.Keluskar for petitioners

Ms.Hutoxi Tavadia for respondent No.1.

**CORAM : S.C.DHARMADHIKARI, J.**

**DATE : DECEMBER 16, 2004.**

P.C.

. Heard Mr.Walawalkar, learned Counsel appearing for petitioners and Ms.Tavadia, learned Counsel for respondent No.1.

2. This petition under Article 227 of the Constitution of India impugns an interim order which has been passed by the 2nd Labour Court, Thane in Complaint ULP No.373 of 2001. By this order, 2nd Labour Court has directed that the service of the concerned workman shall remain protected and status quo would be maintained during pendency of the main complaint. Petitioners challenged this order in revisional jurisdiction before Industrial Court and the Learned Member of Industrial Court after hearing both sides has refused to interfere in revisional jurisdiction vide order dated 6th March 2002.

3. After perusing the said orders with the assistance of learned Counsel, in my view, this is not a fit case for exercise of writ jurisdiction, all the more, when by an interim order servie of workmen is protected. The courts below have not committed any error nor their

findings at the prima acie stage could be said to be perverse. Writ petition is, therefore, dismissed.

4. Hearing of main complaint is expedited and the labour court shall make an endeavour to dispose of the same as expeditiously as possible and in any event by 31st July 2005. All contentions on merits are expressly kept open. The labour court shall not get influenced by any observations made in the impugned order and decide the complaint on its own merit.

5. In view of the conclusion on merits, it is not necessary to carry out amendments as prayed by Ms.Tavadia.

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